

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CATHERINE E. DENNIS and U.S. POSTAL SERVICE,
POST OFFICE, Lawrence, MO

*Docket No. 99-2148; Submitted on the Record;
Issued September 22, 2000*

DECISION and ORDER

Before DAVID S. GERSON, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has met her burden of proof in establishing that she sustained a medical condition due to factors of her employment, as alleged.

On February 8, 1999 appellant, then a 35-year-old distribution clerk, filed a notice of occupational disease and claim for compensation alleging that she became aware on February 2, 1999 that the pains in her left hand and right shoulder were causally related to factors of her federal employment. In a decision dated March 31, 1999, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that fact of injury was not established. Appellant filed an appeal before the Board on June 17, 1999.

The Board has duly reviewed the entire case record on appeal and finds that appellant has not established that she sustained a medical condition as alleged.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim, including that she sustained an injury while in the performance of duty and that she had disability as a result.² In accordance with the Federal (FECA) Procedure Manual, in order to determine whether an employee actually sustained an injury in the performance of her duty, the Office begins with the analysis of whether "fact of injury" has been established. Generally, "fact of injury" consists of two components, which must be considered one in conjunction with the other.

The first component to be established is that the employee actually experienced the employment incident or exposure, which is alleged to have occurred.³ In order to meet her

¹ 5 U.S.C. §§ 8101-8193.

² *Daniel R. Hickman*, 34 ECAB 1220 (1983); see 20 C.F.R. § 10.110(a).

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.(2)(a) (June 1995).

burden of proof to establish the fact that she sustained an injury in the performance of duty, an employee must submit sufficient evidence to establish that she actually experienced the employment injury or exposure at the time, place and in the manner alleged. The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.⁴ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon complete factual and medical background, showing a causal relationship between the claimed condition and the identified factors.⁵ The belief of claimant that a condition was caused or aggravated by the employment is not sufficient to establish a causal relationship.⁶

In this case, appellant submitted sufficient factual information to establish that she actually experienced the claimed employment factor. Therefore, the only issue is whether appellant established that she sustained an injury or medical condition as a result of her employment factor. In a letter dated February 16, 1999, the Office requested that appellant submit medical evidence to establish whether a condition had been diagnosed as a result of the claimed employment factor, but appellant did not submit any medical evidence prior to the Office decision.⁷ As the record before the Board is devoid of any medical evidence to establish that appellant sustained a medical condition causally related to employment factors. Appellant has not met her burden of proof based on the record evidence before the Board.

⁴ *John J. Carlone*, 41 ECAB 354 (1989); see 5 U.S.C. § 8101(5) (“injury” defined); 20 C.F.R. §§ 10.5(a)(15), 10.5(a)(16) (“traumatic injury” and “occupational disease” defined).

⁵ *Lourdes Harris*, 45 ECAB 545 (1994); see *Walter D. Morehead*, 31 ECAB 188 (1979).

⁶ *Manuel Garcia*, 37 ECAB 767 (1986).

⁷ Subsequent to the issuance of the March 31, 1999 decision, appellant submitted additional evidence in support of her claim. The Board’s review is limited to the evidence that was before the Office at the time of its final decision. The Board therefore cannot consider this evidence.

The decision of the Office of Workers' Compensation Programs dated March 31, 1999 is affirmed.

Dated, Washington, DC
September 22, 2000

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member